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Review of the efficiency of the administrative and financial functioning of the United Nations

Activities of the Independent Audit Advisory Committee for the period from 1 August 2011 to 31 July 2012

Report of the Independent Audit Advisory Committee

Summary

The present report covers the period from 1 August 2011 to 31 July 2012. During the period, the Independent Audit Advisory Committee held four sessions, which were presided over by David M. Walker (United States of America) and John F. S. Muwanga (Uganda). Mr. Muwanga was elected Chair for the calendar year 2012, and Adrian Strachan (Jamaica) succeeded him as Vice-Chair for the 2012 calendar year. All of the members of the Committee, including, where applicable, Mr. Walker, who did not seek re-election, and J. Christopher Mihm (United States of America), who succeeded him as the representative from the Group of Western European and Other States, attended each of the four sessions during the reporting period.

Section II of the report contains an overview of the activities of the Committee, the status of its recommendations, and its plans for 2013. Section III sets out the detailed comments of the Committee.

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I. Introduction

1. The General Assembly, by resolution 60/248, established the Independent Audit Advisory Committee as a subsidiary body to serve in an expert advisory capacity and to assist it in fulfilling its oversight responsibilities. In accordance with its terms of reference (see General Assembly resolution 61/275, annex), the Committee is authorized to hold up to four sessions per year. The Committee has held 19 sessions since its inception in January 2008.

2. In accordance with its terms of reference, the Committee submits an annual report to the General Assembly, containing a summary of its activities and related advice. The present, fifth annual report covers the period from 1 August 2011 to 31 July 2012.

3. The observations, comments and recommendations of the Committee on the effectiveness, efficiency and impact of the oversight activities of the Office of Internal Oversight Services (OIOS) are contained in the body of the present report under section III.C.

4. The Committee is also required to advise the General Assembly on, inter alia: the compliance of management with audit and other oversight recommendations; the overall effectiveness of the risk management procedures and deficiencies in the internal control systems; the operational implications of the financial statements and the reports of the Board of Auditors; and the appropriateness of the accounting practices and disclosure practices in the Organization. The Committee also advises the Assembly on the steps necessary to facilitate cooperation among the oversight bodies.

5. The current report addresses the issues identified during the reporting period as they pertain to the above responsibilities of the Committee.

II. Activities of the Independent Audit Advisory Committee

A. Overview of the sessions of the Committee

6. During the reporting period, the Committee held four sessions: from 12 to 14 December 2011 (sixteenth session); from 13 to 15 February 2012 (seventeenth session); from 14 to 16 May 2012 (eighteenth session); and from 16 to 18 July 2012 (nineteenth session). All of the sessions were held at United Nations Headquarters.

7. The Committee functions under its adopted rules of procedure, as contained in the annex to its first annual report (A/63/328). To date, all members of the Committee have a 100 per cent attendance rate at its sessions. All the decisions of the Committee have been unanimous; however, its rules of procedure make provision for members to record their dissent with decisions taken by the majority.

8. At its sixteenth session, in December 2011, the members elected John F. S. Muwanga (Uganda) as Chair and Adrian Strachan (Jamaica) as Vice-Chair, for 2012. Additional information about the Committee can be found on its website in all the official languages of the United Nations (http://www.un.org/ga/iaac/).

9. Since its establishment, the Committee has submitted 12 reports to the General Assembly, 2 of which have been submitted during the current reporting period. These include one report to the General Assembly, through the Advisory Committee

on Administrative and Budgetary Questions, on the budget of OIOS under the support account for peacekeeping operations for the period from 1 July 2012 to 30 June 2013 (A/66/737), and its annual report for the period 1 August 2010 to 31 July 2011 (A/66/299).

B. Status of the recommendations of the Committee

10. As at 30 June 2012, the Committee had made a total of 103 recommendations in its reports, including 10 reiterated recommendations. The remaining 93 recommendations include the following: 14 recommendations that the General Assembly has deferred to subsequent sessions; 57 recommendations that have been implemented; and 22 recommendations that are in the process of being implemented.

11. Some of the deferred recommendations are to be considered by the General Assembly in its sixty-seventh session, while others are to be kept under review by the Assembly. The first set of recommendations that are to be kept under review pertains to the independence of OIOS and covers the following issues: definition of the operational independence of OIOS; definition of impairment to OIOS independence; annual assurance on OIOS independence; development of an internal oversight document containing definitions of the purpose, authority and responsibility of oversight activities; protocol for the distribution of OIOS reports; and selection of staff for appointment and promotion. The second set of recommendations pertains to accountability, and includes issues such as the definition of accountability in the United Nations.

12. Although it meets only four times per year for two to three days at each session, the Committee has made important achievements to date, particularly in relation to the operations of OIOS. The Committee follows up on the implementation of its recommendations as a standard agenda item at each session and looks forward to seeing the full effect of the actions taken by OIOS and by management. Some of the significant recommendations made by the Committee during the reporting period relate to:

(a) The need for management to consider enterprise risk management as one of the highest priorities of the Organization, especially given the size and complexity of the Organization, and to continue to enlist the support of senior leadership to ensure successful implementation;

(b) The recommendation that OIOS take into account the effects of persistently high vacancy rates in the Investigations Division when assessing the relative utility of endorsing one of the options for the pilot project on investigations in peacekeeping operations;

(c) The reaffirmation that OIOS should supplement client satisfaction surveys with specific outcome-based measurements that demonstrate the value that OIOS adds to the United Nations;

(d) The recommendation that OIOS should extend external assessments to include the Investigations and the Inspection and Evaluation Divisions;

(e) Within the context of strengthening the investigation function in the United Nations, the need for a more coordinated and integrated approach to investigation activities;

(f) The recommendation that OIOS should undertake a thorough capacity gap analysis, together with the reiterated recommendation that it carry out risk-based workplanning as the basis for budget preparation;

(g) The fact that relying on voluntary contributions for one quarter of financing exposes the Organization in general and the respective programmes in particular, to risks which the Committee believes the Administration should articulate and mitigate.

C. Overview of the plans of the Committee for 2013

13. The Committee undertook its responsibilities, as set out in its terms of reference, in accordance with the scheduling of the sessions of the Advisory Committee on Administrative and Budgetary Questions and the General Assembly. The Committee will continue to schedule its sessions and activities to ensure coordinated interaction with intergovernmental bodies and timely availability of its reports. In a preliminary review of its workplan, the Committee identified several key areas that will be the main focus for each of its four sessions for fiscal year 2013 (see table).

Workplan of the Committee for 2013

Session	*Key focus area*	*Intergovernmental consideration of the report of the Committee*
Twenty-first	Review of the 2013 workplan of OIOS in light of the workplans of other oversight bodies	Advisory Committee on Administrative and Budgetary Questions, first quarter 2013
	Proposed budget of OIOS under the support account for peacekeeping operations for the period from 1 July 2013 to 30 June 2014	
	Coordination and cooperation among oversight bodies	
Twenty-second	Review of the budget proposal and workplan for the regular budget of OIOS for 2014-2015	General Assembly, second part of the resumed sixty-seventh session
	Status of implementation of oversight bodies' recommendations	
	Risk management and internal controls	
	Coordination and cooperation among oversight bodies	
Twenty-third	Operational implications of issues and trends in the financial statements and reports of the Board of Auditors	Advisory Committee on Administrative and Budgetary Questions, fourth quarter 2014
	Coordination and cooperation among oversight bodies	
	Preparation of the annual report of the Committee	General Assembly, main part of the sixty-eighth session

Session	*Key focus area*	*Intergovernmental consideration of the report of the Committee*
Twenty-fourth	Workplans of OIOS for 2014	Advisory Committee on Administrative and Budgetary Questions, first quarter 2014
	Proposed budget for OIOS under the support account for peacekeeping operations for the period from 1 July 2014 to 30 June 2015	
	Review of the enterprise risk management and internal control framework in the Organization	
	Election of the Chair and Vice-Chair for 2014	

14. In the discussion on planning for 2013, the Committee identified the following relevant events that will have an impact on its work activities:

(a) The decision by the General Assembly, in section II, paragraph 5 (a) of its resolution 66/236, to keep under review the recommendations concerning OIOS made by the Committee in its annual report (A/64/288, annex);

(b) The various reform/transformational initiatives that the Organization has embarked on, including the accountability system;

(c) The ongoing external assessment of the various divisions of OIOS;

(d) The end of the terms of office for three of the five members of the Committee, whose three-year terms expire in December 2013.

III. Detailed comments of the Committee

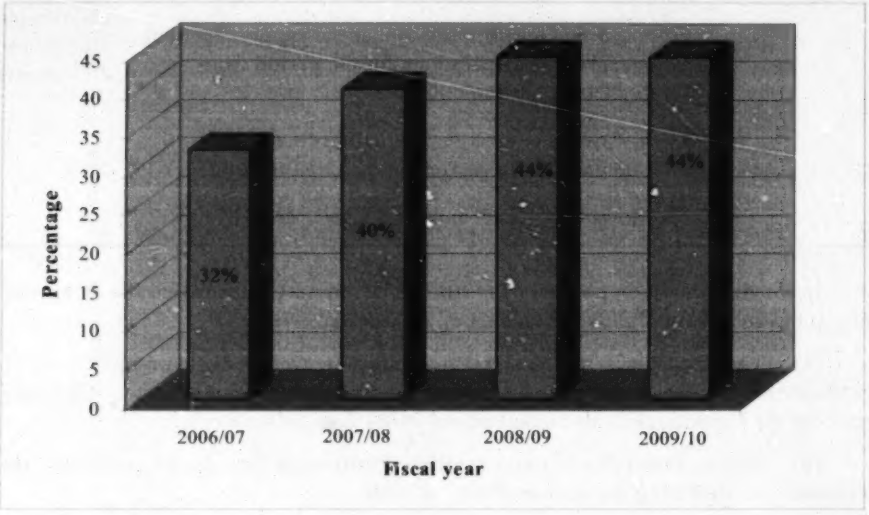
A. Status of the recommendations of United Nations oversight bodies

15. Under paragraph 2 (b) of its terms of reference, the Committee is mandated to advise the General Assembly on measures to ensure the compliance of management with audit and other oversight recommendations. During the reporting period, the Committee reviewed the status of implementation by management of the recommendations of United Nations oversight bodies, as a standard practice.

Board of Auditors

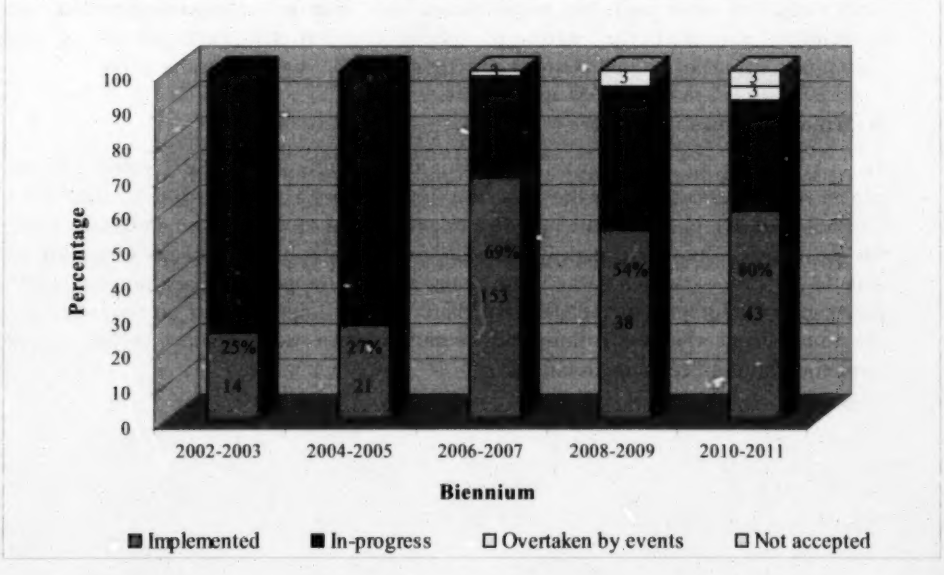
16. According to the report of the Board of Auditors on the United Nations peacekeeping operations for the 12-month period from 1 July 2010 to 30 June 2011 (A/66/5 (Vol. II), chap. II), the rate of implementation of the recommendations made for the financial period ended 30 June 2010 in respect of peacekeeping operations was 44 per cent — which is the same as the rate for the period ended 30 June 2009. (see figure I). In spite of the fact that there was no improvement compared to the previous period, the Board noted no overall concerns with respect to the rate of implementation of recommendations.

Figure I
Rate of implementation of recommendations of the Board of Auditors on peacekeeping operations



17. The Committee also received a briefing from management on trends in the status of implementation of recommendations of the Board on activities under the regular budget. The Committee noted a general trend of improvement in the implementation rates since the biennium 2002-2003, with the best performance being in the biennium 2006-2007, at 70 per cent, compared to less than 20 per cent in 2002-2003 (see figure II).

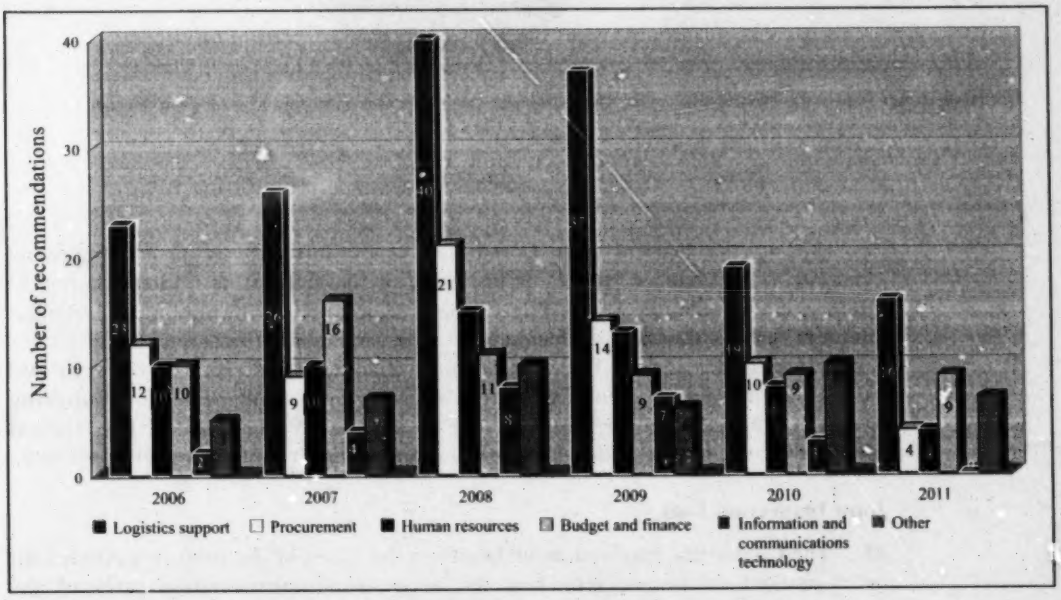
Figure II
Trends in the status of implementation of the recommendations of the Board of Auditors on activities under the regular budget



18. **While acknowledging that management has yet to reach or surpass the 2006-2007 implementation rate for recommendations of the Board of Auditors, the Committee believes that reasonable effort has been made in this regard. The Committee would like to acknowledge the work of Management Committee in ensuring that the main recommendations of the Board are implemented expeditiously.**

19. The Committee was also provided with a trend analysis of the thrust areas addressed by the various recommendations contained in the reports of the Board of Auditors on peacekeeping operations. As figure III shows, over the last six years, logistics support has continued to have the highest number of recommendations, and procurement has shown the biggest decline, from 10 recommendations last year to 4 this year. **Overall, there has been a reduction in the number of recommendations issued. The Committee intends to discuss these trends with the oversight bodies to determine their implications for the status of the oversight functions vis-à-vis the effectiveness of the internal control framework of the Organization.**

Figure III
Thrust areas addressed in recommendations of the Board of Auditors

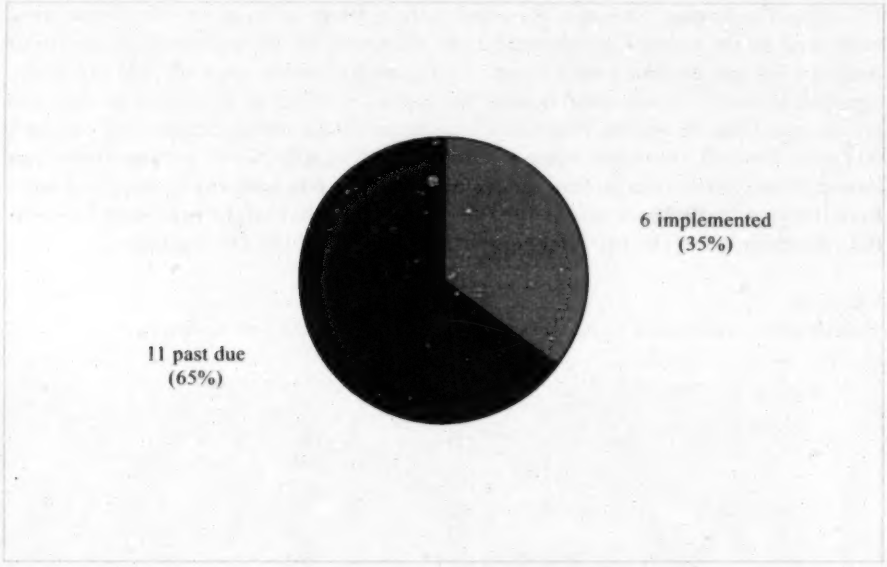


Office of Internal Oversight Services

20. Effective 1 January 2012, OIOS, as reported in its annual activity report (A/66/286 (Part 1)) changed the way it prepared its reports and ranked its recommendations. The Committee was informed that the Management Committee had accordingly adjusted the way it monitored outstanding critical OIOS recommendations. The Committee received an update from OIOS on the implementation of critical recommendations that were either due for implementation or past due in the first quarter of 2012. The update showed that 6 recommendations (35 per cent) had been implemented, and 11 (65 per cent) were past due (see figure IV).

Fourteen critical recommendations and 174 important recommendations were issued in the first quarter.

Figure IV
Status of implementation of recommendations of the Office of Internal Oversight Services



21. During the briefing, the Committee was informed that the Management Committee had changed its modus operandi for monitoring the implementation of OIOS recommendations. The Management Committee will now pay particular attention to past due critical recommendations and new critical recommendations issued during the quarter. **The Committee welcomes these changes in focus and calls upon the Management Committee to continue to strengthen the monitoring process, especially in the light of the fact that 65 per cent of the critical recommendations targeted to be implemented in the first quarter were past due.**

Joint Inspection Unit

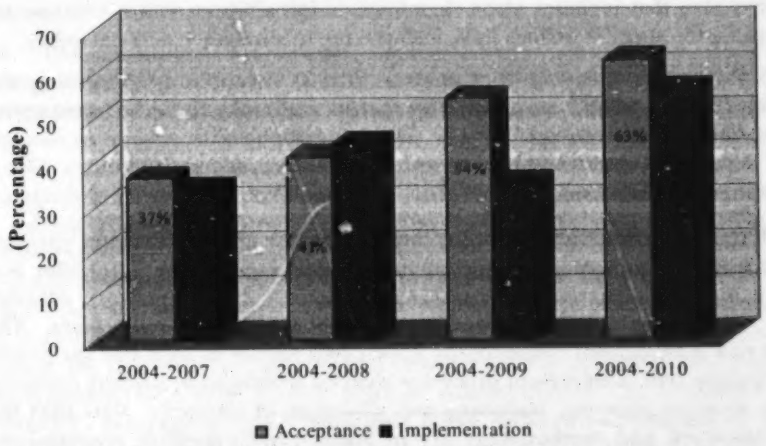
22. The Committee received an update from the Chair of the Joint Inspection Unit on a number of issues, including the acceptance/implementation rates of the recommendations made by the Unit. The Committee was informed that overall the acceptance and implementation rates continued to be a challenge. This situation, however, is expected to improve when the anticipated web-based tracking system is in place. According to the Joint Inspection Unit, the system is expected to be rolled out to some agencies in August 2012 and fully operational by the end of the year.

23. The Committee also noted paragraph 9 of General Assembly resolution 66/259, in which, inter alia, the Secretary-General was invited, in cooperation with the Joint Inspection Unit, to identify the appropriate substantive agenda items of the General Assembly and other pertinent organs and bodies of the United Nations under which the thematic reports of the Unit should be listed. **The implementation**

of this resolution should lead to improvement in the acceptance rate and hence in the implementation rate.

24. The Committee noted that, according to the Joint Inspection Unit, the aggregate acceptance rate of its recommendations by the United Nations Secretariat continued to improve, from 54.4 per cent for the 2004-2009 period to 63.1 per cent for 2004-2010 (see A/66/34, table 2). The aggregate implementation rate also improved from 35.3 per cent for the 2004-2009 period, to 56.2 per cent for 2004-2010 (see figure V).

Figure V
Status of acceptance/implementation of recommendations of the Joint Inspection Unit by the United Nations Secretariat



25. **While noting the improvement in the acceptance/implementation rates and acknowledging the challenges faced by management in addressing the recommendations of the Joint Inspection Unit, the Committee recommends that the Secretariat enhance its consideration of the recommendations and find a way to bring to the attention of the Management Committee those recommendations that remain unaccepted and/or unimplemented for extended periods of time.**

B. Risk management and internal control framework

26. Paragraphs 2 (f) and (g) of the terms of reference of the Committee (see General Assembly resolution 61/275, annex) mandate the Committee to advise the Assembly on the quality and overall effectiveness of risk management procedures and on deficiencies in the internal control framework of the United Nations.

Accountability system

27. In annex III to its report of 27 August 2010 (A/65/329), the Committee included comments on the implementation of General Assembly resolution 64/259 an accountability system in the United Nations Secretariat. By its resolution 65/250, the General Assembly decided to defer consideration of those recommendations to

the main part of its sixty-sixth session. In its report of 12 August 2011 (A/66/699), the Committee, while noting the achievements that management had attained thus far, decided to reiterate all the recommendations contained in annex III of its report (A/65/329), namely: that the Secretary-General should integrate enterprise risk management in the programme planning process; that the Secretary-General be responsible for designing, monitoring and evaluating the system of accountability; that the General Assembly consider expanding the definition of accountability to include adding value and managing risks; that the definition of accountability include a reference to contractors and consultants; and that the Secretariat develop a clearly defined and well-documented implementation plan.

28. Subsequently, the General Assembly, in paragraph 6 of its resolution 66/257, requested the Secretary-General to develop, as a priority, a clearly defined and well-documented plan that includes clear objectives, responsibilities and a timeline for accomplishing the specific actions he is undertaking to strengthen accountability.

29. **The Committee believes that such a plan is essential for ensuring the continued relevance of the accountability system and looks forward to receiving further updates in this respect.**

Enterprise risk management

30. With respect to its recommendation that the Secretary-General should integrate enterprise risk management in the programme planning process, the Committee was pleased to note that the enterprise risk management policy framework contains reference to aligning risks to mandates, objectives and strategic plans. The enterprise risk management methodology goes a step further to state that the results of the enterprise risk management processes shall be leveraged to support decision-making in strategic planning, budgeting and allocation of resources. **Now that the policy framework and methodology are in place, the Committee recommends that the Management Committee, which also functions as the enterprise risk management committee, take up, as a priority, the integration of risk management processes in the Organization.**

31. In paragraph 50 of its report of 26 February 2010 (A/64/683), the Advisory Committee on Administrative and Budgetary Questions recommended that risk management be embedded in the various departments rather than in a separate structure. The General Assembly endorsed the recommendation in paragraph 31 of its resolution 64/259. The Committee focused its attention on meeting with the various so-called "risk management champions" of the Organization to get a sense of the status of implementation of the General Assembly resolution. Accordingly, the Committee met with the Executive Director of the Capital Master Plan, the Under-Secretary-General for Field Support, and representatives of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. The Committee noted that each of the departments/offices were at different stages of implementation of risk management systems. In all the entities, there was a central theme that risk management was an indispensable management tool.

32. The Committee observed, for instance, that the capital master plan had embedded risk management principles right from the beginning of the project and had continued to consider risk management as a dynamic management tool where old/existing risks are identified, eliminated, lowered or elevated. The Committee was also informed that as new portions of the project are more fully designed and

developed, additional risks may be identified, added to the risk register and ranked. The Committee was further informed that a key aspect of the risk management process in the capital master plan was that individual risks on the matrix are "owned" by specific individuals, who are responsible for monitoring the risks and for proposing adjustments to the likelihood of such risks and risk mitigation strategies.

33. The Department of Field Support, on the other hand, acknowledged that in light of the size and complexity of its operation, risk was an ever-present factor in everything that the Department of Field Support and the Department of Peacekeeping Operations do, and a systematic risk management process was critical. The Committee was informed that there was no proactive risk mitigation in the field and that the management of risk continued to be intuitive, inconsistent and ineffective. Audit reports had repeatedly highlighted the lack of robust risk management practices at the field level.

34. The Committee was further informed that a professional enterprise risk management officer had consequently been appointed to design a risk management programme and accompanying policy document for the Departments of Peacekeeping Operations and Field Support. According to the Department of Field Support, this would culminate in the issuance of formal implementing guidelines that will standardize the practical approach, thus mitigating the risk that missions will adopt a variety of risk management approaches with varying degrees of efficacy. The Departments of Peacekeeping Operations and Field Support noted that risk management would be directly linked to departmental, field operation and project objectives, and make extensive use of scenario planning, while emphasizing the use of quantitative analysis techniques as opposed to simple, subjective scoring. In this regard, the Departments indicated that they were in the process of incorporating risk management into their Senior Mission Administration and Resource Training (SMART) programme. **The Committee looks forward to receiving in its future sessions, further updates from the Department of Field Support in this respect.**

35. With respect to the Office for the Coordination of Humanitarian Affairs, the Committee was informed that, given the volatile nature of its operations, risk identification and mitigation were very important. Accordingly, the Office had started to put in place some elements of the enterprise risk management system, and was in the process of establishing a comprehensive risk register. **The Committee looks forward to receiving a copy of the register and will follow up on the progress in this regard at its future sessions.**

36. The Committee observed that the main offices/departments advancing the enterprise risk management system have not yet systematically embedded risk in their operations. **The Committee noted that OIOS, and the Department of Management (with the exception of some offices, such as the Office of the Capital Master Plan) have yet to establish systematic risk management systems. Since these two departments are the vanguard of enterprise risk management in the Organization, the Committee believes that they should lead by example and be part of the "risk champions".**

37. The Committee was subsequently informed that OIOS had identified its key risks and was in the process of addressing them. **While acknowledging the effort to identify the top risks, the Committee agrees with the Board of Auditors that a key aspect to effective governance is the identification, mitigation and**

management of risk. The Committee looks forward to receiving an update with respect to systematic risk management processes.

38. **In the light of the above, and consistent with benchmark 2 in the report of the Joint Inspection Unit on enterprise risk management in the United Nations system (A/65/788), the Committee recommends that the Management Committee take it upon itself to ensure that the various departments of the Secretariat incorporate risk management in their respective operations, with the understanding that these offices will need guidance and training from a central enterprise risk management capacity.**

39. In this respect, the Committee would like to note that one of the four recommendations set out in paragraph 24 of its first annual report (A/63/328) and reiterated in paragraph 27 of its report of 12 August 2011 (A/66/299) related to the establishment of a Chief Risk Officer. **The Committee wishes to underscore the importance of such a post to the successful implementation of enterprise risk management Secretariat-wide and the need for this official to be vested with the appropriate authority and, consistent with benchmark 6 in the report of the Joint Inspection Unit (A/65/788), adequately resourced to achieve his/her related responsibilities.**

40. **Furthermore, in order to get a better picture of the status of implementation of enterprise risk management in the Secretariat, the Committee recommends that the Secretary-General undertake a comprehensive review and submit a report to the General Assembly on the status of the enterprise risk management system in the Secretariat based on the 10 benchmarks identified in the above-referenced report of the Joint Inspection Unit. This could form the baseline from which future progress could be measured.**

C. Effectiveness, efficiency and impact of the audit activities and other functions of the Office of Internal Oversight Services

41. The terms of reference of the Independent Audit Advisory Committee provide for it to advise the General Assembly on aspects of internal oversight (General Assembly resolution 61/275, annex, paras. 2 (c)-(e)). In undertaking its mandate, the Committee has maintained its standard practice of meeting with the Under-Secretary-General for Internal Oversight Services and other senior OIOS officials during its sessions. The discussions have focused on OIOS workplan and budget execution, significant findings reported by OIOS, operational constraints (if any), post incumbency and the status of implementation by management of OIOS recommendations, including the top 10 to 20 recommendations that had not been implemented by management, strengthening investigations and funding arrangements.

Workplan and budget of the Office of Internal Oversight Services for 2012-2013

42. The responsibilities of the Committee with respect to OIOS as set out in the terms of reference include the examination of the workplans of OIOS, taking into account the workplans of the other oversight bodies, and advising the General Assembly thereon.

43. The Committee reported its observations and recommendations with regard to OIOS workplans in its report on the budget of OIOS under the support account for

peacekeeping operations for the period from 1 July 2012 to 30 June 2013 (A/66/737) and in its report on the proposed programme budget for OIOS for the biennium 2012-2013 (A/66/85).

44. The Committee also reiterated its previous recommendation regarding residual risk and was encouraged to note that OIOS had included in its workplan for the regular budget, the audit of key controls that management had put in place to mitigate the inherent risks. In its previous report, the Committee reiterated this recommendation insofar as it related to the systematic assessment of the residual risk as the basis for determination of the overall level of resources allocated to OIOS (A/66/299, para. 31). **In its subsequent discussion with OIOS, the Committee was informed that OIOS was not yet where it wanted to be as far as risk-based workplanning was concerned. Without prejudice to the outcome of the external assessment of the Investigations and Inspection and Evaluation Divisions, the Committee recommends that OIOS accelerate its effort to attain a fully risk-based workplan.**

45. The Committee continued to monitor the implementation of the workplans of the divisions in OIOS and the timelines of reports. In paragraph 33 of its report of 25 August 2009 (A/64/288), the Committee indicated that it considered it important that reports be finalized in a timely manner, as the value of oversight work diminished when reports took too long to complete. The Committee, through feedback from OIOS clients, and/or presentation from OIOS, noted that some assignments continue to take a long time to be finalized.

46. In the recently concluded external quality assessment of the Internal Audit Division, the issue of the excessive duration of audits, including the time it takes to issue the reports and the significant number of engagements carried forward from one year to the next, was raised in the findings. Furthermore, the examination of the aging of Investigations Division assignments as at 31 May 2012, showed that 40 per cent of all cases for investigation were more than 12 months old, and 12.7 per cent were more than two years old. **While acknowledging the effort OIOS is putting into developing and executing its workplans, the Committee would like to reiterate its recommendation that the duration of assignments and the number of assignments carried over to following periods should be reduced, if OIOS is to improve on the effectiveness of its oversight work.**

47. With respect to the budget for OIOS, the Committee made several recommendations in its reports on the proposed programme budget for OIOS for the biennium 2012-2013 (A/66/85) and the budget of OIOS under the support account for peacekeeping operations for the period from 1 July 2012 to 30 June 2013 (A/66/737). The Committee noted that all the resources that the Committee supported for OIOS in the regular budget for the biennium 2012-2013 were approved. As for the OIOS budget under the support account for the period 1 July 2012 to 30 June 2013, the Committee noted that all the resource requests that the Committee supported were approved by the General Assembly, with exception of the request for an additional post in the Investigations Division. As far as budget execution is concerned, the Committee received routine updates from OIOS and voiced its concern at the low rate of execution of the budgets. The Committee was informed that the low rate of budget execution was due mainly to the high vacancy rates that prevailed, especially in the Investigations Division and in the field missions. This

led the Committee to emphasize the importance of expediting the filling of vacancies, which, as noted in the present report, has greatly improved.

Vacant posts in the Office of Internal Oversight Services

48. In its previous reports to the General Assembly, the Committee has reported on the high number of vacancies in OIOS. Similarly, in its reports on the United Nations peacekeeping operations and accounts (A/64/5 (Vol. II) and A/65/5 (Vol. II)), the Board of Auditors commented on the vacancy rate of resident auditors and investigators in peacekeeping missions and investigation hubs.

49. OIOS informed the Committee that as at 30 June 2012, the overall vacancy rate in OIOS was 15.3 per cent, which is an improvement from the 21.5 per cent rate reported by the Committee in its previous annual report (A/66/299). Even in the Investigations Division, which used to have the highest vacancy rates, there has been a significant reduction, from 25.5 per cent (see A/66/299, para. 35) to 16.2 per cent. In all the Divisions, the vacancies related to posts funded from the support account, continue to be higher than the average for OIOS as a whole. For example, in the Investigations Division, as at 30 June 2012, 21.3 per cent of posts funded from the support account were vacant, compared to 14.6 per cent for the regular budget. Similarly, the vacancy rate for posts in the Internal Audit Division was 17.5 per cent for the support account compared to 11.4 per cent for the regular budget. **The Committee would like to commend OIOS for improving its vacancy situation, an issue which had been a concern of the Committee since 2008, and notes that with improved vacancy rates comes the high expectation that workplans will be implemented on a timely basis.**

External quality assessment of the Internal Audit Division of the Office of Internal Oversight Services

50. According to Institute of Internal Auditors standard 1312 on external assessment, internal audit activities are to undergo an external assessment at least once every five years, starting 1 January 2002. In its previous report, the Committee reported that OIOS had engaged the Institute of Internal Auditors to undertake an external quality assessment. The objectives of the review were to assess the conformity of Internal Audit Division practices and processes with its audit manual and with the standards of the Institute of Internal Auditors, to assess the efficiency and effectiveness of the Division in meeting the needs of stakeholders and to make recommendations to improve and streamline the internal audit process (A/66/299, para. 41).

51. The external assessment resulted in nine significant recommendations, which included: the need for a consolidated audit universe and risk assessment and the need to prepare annual plans based on risk assessment rather than available resources or existing funding arrangement, to expand the information technology audit universe to assure adequate risk coverage, to eliminate excessive duration of audits, to develop an internal audit "charter", to develop a continuing professional development strategy, to revisit the contents of risk assessment engagement reports and to monitor progress by focusing on critical and important recommendations.

52. **The Committee continues to observe progress in implementation of the recommendations of the external assessment, some of which mirror the Committee's previous recommendations. Furthermore, in its previous report,**

the Committee had recommended that such assessments also be extended to the Investigations and Inspection and Evaluation Divisions (A/66/299, para. 42). The Committee has been informed that the external assessments of the two Divisions are under way and looks forward to receiving the reports thereon.

Strengthening investigations

53. In its report of 27 August 2010, the Committee recalled that, in paragraph 18 of its resolution 62/247 on strengthening investigations, the General Assembly had requested the Secretary-General to prepare for its consideration and approval, in close cooperation with OIOS, a report providing detailed information on terms of reference with regard to the proposed comprehensive review of investigations in the United Nations (A/65/329, para. 24).

54. In its report of 12 August 2011, the Committee reported that a task force, chaired by the Deputy Secretary-General, had been established to address the request of the Assembly (A/66/299, para. 44). The objective of the task force was to review all types of investigations being conducted in the Secretariat; make suggestions on the need to improve systems; examine steps that would be required to implement change; and prepare the terms of reference that had been requested by the General Assembly in resolution 62/247. The Committee had also been informed that OIOS was conducting an assessment of the workload that would result if OIOS were to assume the responsibility for all investigations in the United Nations and the resources this would entail before taking a final position in this respect. The Committee has not yet received the requested update on the key steps being taken to address the request of the General Assembly. **In the light of the ongoing external review of the Investigations Division of OIOS, as well as the upcoming report of the Joint Inspection Unit on the investigations function in the United Nations system, the Committee recommends that the Secretary-General finalize the long-awaited proposed terms of reference on the comprehensive review of investigations in the United Nations.**

Pilot project

55. With respect to the pilot project on investigations in peacekeeping operations that was scheduled to end on 30 June 2012, the Committee, in its previous report, had expressed concern that the high vacancy rate in the Investigations Division, especially in the hubs, could affect the results of the pilot project, and requested OIOS to take into account such effects when assessing the relative utility of recommending a future structure and location of peacekeeping-related investigation activities (A/66/299, para. 37). Subsequent to the finalization of the above-mentioned report, OIOS issued its comprehensive report on the pilot project, as requested by the General Assembly in its resolution 63/287 (A/66/755). In the comprehensive report it was noted that it was premature to recommend a revised structure in the context of the 2012/13 budget of the support account (which was initiated in September 2011) prior to the scheduled completion of the pilot project in 30 June 2012. OIOS further indicated that it was committed to concluding its data collection for submission of a recommended structure in the context of the 2013/14 budget of the support account to be initiated in September 2012.

56. Since the report of OIOS on the pilot project was issued after the Committee had finalized its report on the budget of OIOS under the support account, the findings

of that report were not reflected in the Committee's report (A/66/737). **Upon review of the report, the Committee agreed with the comments and conclusions of the Advisory Committee on Administrative and Budgetary Questions contained in its report (A/66/779/Add.1), and looks forward to reviewing the final results of the pilot in the context of the 2013/14 Support Account budget submission for OIOS.**

Risk-based workplanning

57. With respect to risk-based workplanning, during the reporting period, the Committee was informed that, given the nature of the investigations function, the workplan of the Investigations Division could not be prepared using a risk-based approach. OIOS contended that since investigations were intrinsically reactive, workplans could not be risk-based. The Committee acknowledged that, to some extent, the work of the Investigations Division was reactive; however, there remained an element of its work that would benefit from proactive risk-based planning. In its report, the Board of Auditors carefully laid down the case for proactive risk assessment, especially as it related to assessing fraud risk and conducting investigations to identify and deter fraudulent activity including those involving suppliers (see A/67/5 (Vol. I)).

58. In its first quarterly report for 2012, OIOS reported that in 2011 only 7 per cent of all cases investigated were procurement-related, while 39 per cent were finance-related and 29 per cent human resources-related. During the first quarter of 2012, only 18 per cent of the cases were procurement-related, while 39 per cent were finance-related and 40 per cent human resources-related. **The apparently low level of procurement-related investigations could be a result either of improved controls instituted since the establishment of the Procurement Task Force, or failure to report and/or detect fraud, especially among suppliers. The absence of a proactive fraud risk detection system in the Investigations Division makes it difficult to be sure that the low rate of procurement investigations is a result of improved controls. In this regard, the Committee recommends that OIOS include in the context of its future budget submissions for the Investigations Division, a risk-based workplan for the Committee to review.**

Inspection and evaluation function

59. In paragraph 62 of its report (A/66/16), the Committee for Programme and Coordination recommended, and the General Assembly in its resolution 66/8 endorsed the recommendation, that the Secretary-General ensure that OIOS evaluation reports also focus on programme impact and results achieved, by improving the methodology for conducting assessments and, in particular, ensuring regular follow-up on the progress made and more comprehensive conclusions. During the reporting period, the Committee has had interaction with OIOS on the need for the Inspection and Evaluation Division to provide feedback on how useful the evaluation reports have been, and whether management has the capacity to use such reports. The Committee was informed that OIOS in general, and the Inspection and Evaluation Division in particular, had begun to incorporate the use of programme logic models (called programme impact pathways) as a tool in the planning stages of all programme evaluations to help address the concerns expressed thus far. **The Committee considers this to be an important and positive development.**

60. The Committee was also informed that the external assessment of the Inspection and Evaluation Division would address issues such as: examining the extent to which OIOS inspections and evaluations have informed and influenced decision-making in the Secretariat; identifying opportunities for the Division to be more strategic and useful to the Organization; and addressing discrete programmatic and operational issues such as the adequacy of methodology, quality assurance and work processes. **The Committee looks forward to receiving the results of the assessment and to further discussions on the efficacy of the programme impact pathway tool vis-à-vis the logical frameworks used in the results-based budgeting process of the Organization.**

Capacity gap analysis

61. In its report on the budget of OIOS under the support account, the IAAC expressed concern that the Inspection and Evaluation Division had reported that there were several evaluation assignments that it was constrained from undertaking by a lack of resources (see A/66/737, para. 22). The Committee noted that only 3 posts out of 26 approved for the Inspection and Evaluation Division pertained to peacekeeping operations. At the same time, the Committee was not aware of any case that OIOS had made for additional resources for evaluation. In fact, the Committee had been informed that all the high-risk areas in peacekeeping operations had been covered. This led the Committee to recommend that OIOS ensure that in future workplan submissions, a risk-based capacity gap analysis be undertaken so as to properly justify future resource requirements. **The Committee wishes to reiterate this recommendation, especially in the context of the Inspection and Evaluation Division.**

D. Financial reporting

62. Under paragraphs 2 (h) and (i) of its terms of reference, the Committee has the responsibility to advise the General Assembly on the operational implications of the issues and trends apparent in the financial statements of the Organization and the reports of the Board of Auditors, and on the appropriateness of accounting policies and disclosure practices, and to assess changes and risks in those policies.

63. During the reporting period, the Committee engaged in discussions with the Board of Auditors, the Under-Secretary-General for Management and officials of the Office of Programme Planning, Budget and Accounts on a number of issues relating to financial reporting. The issues discussed included:

(a) The status of implementation of the International Public Sector Accounting Standards (IPSAS) in the United Nations, including recent progress, challenges faced, the revised timeline for the implementation of IPSAS and the synchronization of the IPSAS timeline and strategy with that of the enterprise resource planning project (Umoja);

(b) The implementation of Umoja, the interdependence of Umoja with full IPSAS implementation and the risks associated with the delays of Umoja on the timely implementation of IPSAS.

64. During one of the briefings to the Committee, the former Controller had indicated that the delay in implementing Umoja was one of the greatest risks to the

successful/timely launch of IPSAS. This dependence was reiterated in the report of the Secretary-General on IPSAS (A/66/379, para. 70). As it became apparent that Umoja would not be on schedule, the Committee was subsequently informed that the enterprise resource planning system would be implemented in phases, starting with Umoja Foundation, that would support IPSAS. According to the recent briefing to the Committee, the United Nations is planning to implement IPSAS using legacy systems rather than Umoja Foundation in case Umoja is not available in time to support IPSAS. In its report, the Advisory Committee on Administrative and Budgetary Questions expressed concern that resources that could otherwise go towards the implementation of Umoja could be diverted towards enhancing the legacy systems and the Integrated Management Information System (IMIS), thereby compounding the problem (see A/66/536, para. 16).

65. The Committee supports the decision to undertake IPSAS implementation using the existing systems and workarounds as proposed in the recent fourth progress report on IPSAS (A/66/379). The Committee was concerned, however, about the cost implications of configuring/running the legacy systems to support IPSAS. Upon further discussion the Committee was informed that only minimal changes would be made to current functional systems, that the changes were being made within existing resources and that it was not anticipated that the transitional arrangements would have any impact on the overall indicative budget for IPSAS. **In this respect, the Committee was informed that what was most at stake was the reputational risk to the Organization if IPSAS were not implemented by 2014, as currently scheduled. The Committee acknowledges the symbiotic relationship between IPSAS and Umoja, and welcomes the proactive effort management has made to integrate these transitional arrangements with the eventual deployment of Umoja.**

E. Coordination among United Nations oversight bodies

66. During the reporting period, in addition to its regularly scheduled meetings with OIOS, the Committee met with other oversight bodies, including the Joint Inspection Unit and the Audit Operations Committee of the United Nations Board of Auditors. In separate meetings with the Board of Auditors, the Joint Inspection Unit and OIOS, the Committee took note of the positive relationship fostered through the tripartite coordination meetings of the oversight bodies and the sharing of workplans to avoid duplication.

67. During its eighteenth session, the Committee and the Board of Auditors continued to exchange experiences and discussed ways to enhance cooperation and effectiveness without prejudice to their respective mandates. The Committee and the Board also engaged in extensive discussions on the Board's findings on operational implications of the trends in the financial statements and the steps the Board, in particular, and the Panel of External Auditors, in general, were taking to analyse such trends.

68. The dialogue between the Board and the Committee allowed for the sharing of perspectives on matters of mutual concern and provided a useful opportunity for cooperation among United Nations oversight bodies.

F. Cooperation and access

69. The Independent Audit Advisory Committee is pleased to report that it has received the full cooperation of the Joint Inspection Unit, the Board of Auditors, the Office of Internal Oversight Services and senior management in the Secretariat, including the Department of Management, in discharging its responsibilities. The Committee was also given appropriate access to the staff, documents and information it needed to undertake its work. The Committee looks forward to continued cooperation with the entities with which it interacts in order to discharge its responsibilities, as set out in its terms of reference, in a timely manner.

IV. Conclusion

70. Within the context of its terms of reference, the Independent Audit Advisory Committee presents the above observations, comments and recommendations, as contained in paragraphs 18, 20, 21, 23, 25, 29, 34 to 40, 44, 46, 49, 52, 54, 56, 58, 60, 61 and 65 for the consideration of the General Assembly.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights in the administration of justice

Report by the Secretary-General

Summary

The present report is submitted pursuant to a request made by the General Assembly to the Secretary-General in its resolution 65/213 to submit a report on the latest developments, challenges and good practices in human rights in the administration of justice, as well as the activities undertaken by the United Nations system as a whole. The report contains information relating to developments in international law and the work of human rights treaty bodies and special procedures, and examples of developments and activities in the United Nations system relating to human rights and the administration of justice. The report also includes information concerning developments, challenges and good practices at the State level.

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I. Introduction

1. In its resolution 65/213, the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the latest developments, challenges and good practices in human rights in the administration of justice, as well as the activities undertaken by the United Nations system as a whole.

2. Juvenile justice was extensively addressed in two recent reports submitted to the Human Rights Council in 2012.[1] Therefore, the present report addresses it only to a limited extent. Issues relating to the death penalty[2] and transitional justice[3] are closely related to human rights and the administration of justice but are not addressed in this report, as they are covered in specialized reports on those topics to the Human Rights Council, the General Assembly or the Security Council.

II. Recent developments[4]

3. The most recent substantive reports of the Secretary-General (A/HRC/14/34) and the United Nations High Commissioner for Human Rights (A/HRC/14/35) on human rights in the administration of justice, including juvenile justice, were presented to the Human Rights Council at its fourteenth session, in 2010. Recent developments cover the period since the issuance of those reports.

A. Developments in international law

4. On 23 December 2010, the International Convention for the Protection of All Persons from Enforced Disappearance entered into force after its twentieth ratification.[5] The Convention had 33 States parties as at 12 July 2012. It requires States parties to ensure that enforced disappearance constitutes an offence under national criminal law, and to take necessary measures to hold accountable those responsible for the crime, including superiors.

5. The General Assembly adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders on 21 December 2010. The Rules cover such issues as the implementation of gender-sensitive prisoner classification and security risk assessments, the provision of gender-specific health-care services, guidance on the treatment of children living with their mothers in prison, the specific safety concerns of women prisoners, and the development of pre- and post-release programmes that take into account the stigmatization and discrimination that women face once released from prison.

6. The Commission on Crime Prevention and Criminal Justice, at its twenty-first session, in April 2012, endorsed a draft resolution setting out new United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (see E/2012/30, chap. I.A). Their objective is to provide guidance to States on the

[1] A/HRC/21/26 and A/HRC/21/25.

[2] See A/67/226.

[3] See A/HRC/18/23 and S/2011/634.

[4] For a summary of the norms and standards relevant to the administration of justice, see A/HRC/14/34, paras. 3, 5 and 6.

[5] See article 39 (1) of the Convention.

fundamental principles on which access to legal aid in a criminal justice system should be based as well as to outline the specific elements required for an effective and sustainable national legal aid system, in order to strengthen access to legal aid. Notably, the Principles and Guidelines indicate that legal aid should be made available to all persons who risk any term of imprisonment; they extend the right of legal aid to suspects and include special provisions regarding victims, witnesses and children, and indicate that the implementation of legal aid rights should be carried out through the incorporation of a gender perspective.

7. The Commission also endorsed a draft resolution taking note of work to revise the existing Standard Minimum Rules for the Treatment of Prisoners by two expert groups convened by the United Nations Office on Drugs and Crime to determine what changes to the Standard Minimum Rules would be desirable. On the basis of recommendations made by the expert groups, the draft resolution indicated the following preliminary areas for possible change: respect for prisoners' inherent dignity and value as human beings; medical and health services; disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet; the investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners; the protection and special needs of vulnerable groups deprived of their liberty; the right of access to legal representation; complaints and independent inspection; the replacement of outdated terminology; and the training of relevant staff to implement the Standard Minimum Rules.

B. Developments in the work of human rights treaty bodies

8. In December 2010, the Committee on the Elimination of Discrimination against Women adopted general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/GC/28). In its general comment, the Committee makes observations relevant to the administration of justice. In particular, it indicates that States parties must ensure that women can invoke the principle of equality in support of complaints of acts of discrimination contrary to the Convention, and that States parties must ensure that women have recourse to affordable, accessible and timely remedies, with legal aid and assistance as necessary. The general comment states that where discrimination against women also constitutes an abuse of other human rights, such as the right to life and physical integrity in, for example, cases of domestic and other forms of violence, States parties are obliged to initiate criminal proceedings, bring perpetrators to trial and impose appropriate penal sanctions. The Committee also indicates that a State party should undertake specific education and training programmes regarding the principles and provisions of the Convention directed at all Government agencies, public officials and, in particular, members of the legal profession and the judiciary.

9. In April 2011, the Committee on the Rights of the Child adopted its general comment No. 13 on the right of the child to freedom from all forms of violence (CRC/C/GC/13). Mental violence against children can include, inter alia, placement in solitary confinement, isolation or humiliating or degrading conditions of detention. Physical violence includes, inter alia, all corporal punishment and all other forms of torture and cruel, inhuman or degrading treatment or punishment. The general comment addresses issues relating to how the investigation of reported

instances of violence should be conducted by qualified professionals who have received role-specific and comprehensive training, and indicates that such investigations require a child-rights-based and child-sensitive approach. It also addresses the issue of judicial involvement in cases involving allegations of sexual violence. The general comment indicates that due process must be respected at all times, and that the protection and further development of the child and his or her best interests (and the best interests of other children where there is a risk of a perpetrator reoffending) must be the primary purpose of decision-making, with due regard given to the least intrusive intervention.

10. General comment No. 13 also states that judicial involvement may consist of, inter alia, differentiated and mediated responses such as family group conferencing, alternative dispute resolution mechanisms, and restorative justice, as well as juvenile or family court intervention. It underlines the importance of the strict application of criminal law procedures in order to abolish the widespread practice of de jure or de facto impunity, in particular of State actors. The general comment also highlights the importance of judicial orders to ensure compensation and rehabilitation for children who have suffered from violence in its various forms.

11. In its views on individual communications under the first Optional Protocol to the Convention, the Human Rights Council has continued to address issues relating to the administration of justice, in particular: failure to investigate and take appropriate remedial action in case of the enforced disappearance of a person;[6] a conviction that was not reviewed by a higher court;[7] a domestic court's refusal to enforce the payment of damages;[8] the application of the death penalty following a trial held in violation of fair-trial guarantees;[9] torture, ill-treatment[10] and the arbitrary deprivation of a victim's life[11] during detention; and the forced confession of a juvenile who was not detained separately from adults and was denied the special guarantees prescribed for the criminal investigation of juveniles.[12]

C. Developments in the work of the special procedures of the Human Rights Council

12. In 2012, the Special Rapporteur on the independence of judges and lawyers carried out a global thematic study to assess the human rights education and continuing training of judges, prosecutors, public defenders and lawyers, with recommendations for appropriate follow-up (see A/HRC/20/20). Moreover, in her reports to the Human Rights Council on the activities that she had carried out in 2010 and 2011, the Special Rapporteur focused on some aspects of the multifaceted relationship between gender and the judiciary in the broader context of the administration of justice (see A/HRC/17/30 and Corr.1 and Add.1-3) and analysed the role and responsibilities of prosecutors, as well as their independence, impartiality and accountability (see A/HRC/20/19 and Add. 1-3).

[6] See Communication No. 1820/2008, *Krasovskaya v. Belarus* (views adopted on 26 March 2012).
[7] See Communication No. 1641/2007, *Calderón v. Colombia* (views adopted on 23 March 2012).
[8] Communication No. 1611/2007, *Bonilla Lerma v. Colombia* (views adopted on 27 July 2011).
[9] Communication No. 1304/2004, *Khoroshenko v. Russian Federation* (views adopted on 29 March 2011).
[10] Communication No. 1535/2006, *Litvin v. Ukraine* (views adopted on 19 July 2011).
[11] Communication No. 1756/2008, *Zhumbaeva v. Kyrgyzstan* (views adopted on 19 July 2011).
[12] Communication No. 1390/2005, *Koreba v. Belarus* (views adopted on 25 October 2010).

13. The Special Rapporteur on trafficking in persons, especially women and children, submitted to the Human Rights Council at its seventeenth session a report on an expert consultation held on the right to an effective remedy for trafficked persons in Bratislava (A/HRC/17/35 and Add.1-6). Moreover, the Special Rapporteur submitted to the Council at its twentieth session a report entitled "Expert meeting held on the prosecution of trafficking in persons cases: integrating a human rights-based approach in the administration of criminal justice" (A/HRC/20/18/Add.3).

14. In 2011, the Working Group on Enforced or Involuntary Disappearances prepared a report entitled "Best practices on enforced disappearances in domestic criminal legislation" (A/HRC/16/48/Add.3 and Corr.1), which was submitted to the Human Rights Council at its sixteenth session. The mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence was established by the Council at its eighteenth session. The Rapporteur's tasks include gathering relevant information on national situations relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and making recommendations in that regard.

15. The 2010 report of the Working Group on Arbitrary Detention (A/HRC/13/30 and Add.1-3) addressed, inter alia, the thematic issues of the detention of immigrants in an irregular situation, military tribunals and administrative detention and habeas corpus. The report of the Working Group that was presented at the sixteenth session of the Human Rights Council (A/HRC/16/47 and Corr.1 and Add.1-3), in 2011, touched upon the issue of secret detention. On the occasion of its twentieth anniversary, in 2011, the Working Group launched a database to facilitate access for victims, States and civil society to its opinions and other materials. In its 2012 annual report to the Council (A/HRC/19/57 and Add.1-4), it, inter alia, analysed the topics of pretrial detention and habeas corpus. In addition, at its twentieth session, the Council, in its resolution 20/16, requested the Working Group to prepare draft basic principles and guidelines on remedies and procedures relating to the right of anyone deprived of his or her liberty.

D. Developments in the United Nations system

16. Coordinated initiatives across the United Nations system relevant to the administration of justice include the Rule of Law Coordination and Resource Group, the United Nations Task Force on Transnational Organized Crime and Drug Trafficking, United Nations Action against Sexual Violence in Conflict, a task force on women's access to justice and the Interagency Panel on Juvenile Justice.[13] For instance, at a high-level briefing given on 7 February 2012 by senior officials of United Nations bodies participating in the Task Force on Transnational Organized Crime and Drug Trafficking, the need to respect and promote human rights in combating transnational organized crime and drug trafficking was underlined and Member States expressed strong support for the "One United Nations" approach taken by the Task Force members.

[13] The Office of the United Nations High Commissioner for Human Rights actively contributes to all of these inter-agency initiatives.

17. In his report entitled "Delivering justice: programme of action to strengthen the rule of law at the national and international levels" (A/66/749), the Secretary-General proposed that Member States take the opportunity provided by the high-level meeting of the General Assembly to be held in New York on 24 September 2012[14] to make pledges on the rule of law based on national priorities.[15]

III. Activities in the United Nations system

18. During the reporting period, the Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to carry out a large number of activities to promote and protect human rights in the administration of justice. Notably, the Office plays an important role in providing advice on draft laws to ensure that human rights concerns are fully taken into account, including during constitutional reform processes and in the adoption of new legislation such as criminal codes and codes of criminal procedure. For example, as a member of the criminal justice working group in Afghanistan, OHCHR, together with the United Nations Assistance Mission in Afghanistan, contributed to the compliance of national legislation with international human rights standards by providing comments on the draft criminal procedure code and by participating in task force meetings for the drafting of the national priority programme on law and justice. OHCHR also provided advice in several countries on new legislation on the rights of prisoners and detainees and the prohibition of torture. In Uganda, for example, the Office provided a legal analysis of legislation on the prohibition and prevention of torture.[16] In June 2012, an expert meeting was held in Panama on the development of a protocol for the investigation of gender-motivated killings in Latin America, so as to contribute to the fight against impunity for violent crimes against women.

19. Moreover, strengthening human rights compliance on the part of judicial and law enforcement institutions has been a primary focus of activity for OHCHR. In 2011, the Office organized and facilitated human rights training sessions in its field presences around the world for the judiciary, police and other security forces, including military forces, in order to help improve their compliance with international human rights standards. For instance, the OHCHR South America Regional Office, together with the International Labour Organization, organized and conducted a two-month-long course in Peru that was focused on the direct applicability or the interpretive value of international human rights treaties in domestic courts. The Office trained 250 police, gendarmes, customs officers and soldiers in the regions of Guinea under the authority of the security forces on human rights and law enforcement. In Togo, the justice and security ministries and OHCHR conducted a training programme on human rights norms in the administration of justice for magistrates and criminal investigative police officers.[17]

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[14] The meeting is being organized pursuant to General Assembly resolution 65/32.

[15] See A/66/749, para. 69.

[16] Advice on constitution-making and draft laws was also provided in, inter alia, Burundi, Cambodia, Colombia, Guatemala, Honduras, Iraq, Kenya, Liberia, Mauritania, Mexico, Somalia, South Sudan and Tunisia.

[17] Similar activities were also carried out in, inter alia, Afghanistan, Burundi, Haiti, Kiribati, Papua New Guinea, Solomon Islands, South Sudan, Sri Lanka and Uganda.

20. OHCHR has been engaged in a number of activities to improve the administration of justice through expert meetings, training workshops, publications and technical assistance on specialized thematic topics. For example, it organized an expert meeting on legal aid that was held in Brazil in December 2011. Representatives of public defenders' offices from Argentina, Brazil, Colombia, Mexico and Peru discussed the legal aid schemes in those countries and challenges encountered in the delivery of legal assistance. In addition, OHCHR has continued to support the authorities in Burundi, Kenya, Kosovo, Nepal and Uganda in strengthening their capacity for victim and witness protection through relevant legislation and dedicated programmes. In December 2010, an expert meeting on human rights and customary justice in Africa was held in Pretoria. In 2012, OHCHR issued a publication, entitled "A facilitator's guide on human rights for judges, prosecutors and lawyers", that had been developed in cooperation with the International Bar Association.

21. Furthermore, throughout the reporting period, OHCHR continued its efforts to ensure increased access to justice for individuals and groups facing discrimination, in particular women, minorities and indigenous peoples and people of African descent. For example, in Kyrgyzstan, five human rights non-governmental organizations received technical and financial support from the OHCHR Central Asia Regional Office to provide free legal aid for the population affected during and in the aftermath of the June 2010 violence in the southern part of the country.

22. OHCHR continues to support Member States in their efforts to ensure that respect for human rights and the rule of law lies at the heart of effective counter-terrorism strategies, in line with their commitments set out in the United Nations Global Counter-Terrorism Strategy. For example, in her report to the Council on the protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/50), the High Commissioner for Human Rights expressed her concern at the erosion of respect for due process, including the right to fair trial, in the context of counter-terrorism policies and practices, and provided recommendations to States in that regard. In addition, as Chair of the human rights working group of the Counter-Terrorism Implementation Task Force, OHCHR has developed a project to assist Member States in ensuring that their law enforcement policies and activities are consistent with international human rights law. The Office continues to develop tools to provide Member States with clear and practical guidance on human-rights-compliant counter-terrorism measures. OHCHR, in collaboration with the Task Force, is developing, through a series of regional expert symposiums, a set of good practice guidelines on the right to fair trial and due process in the context of counter-terrorism efforts. In 2011 and 2012, such symposiums were held in the South-East Asia, Middle East and North Africa and European regions. As Chair of the human rights working group, OHCHR has published basic reference guides on "stopping and searching" and "security infrastructure". Additional tools, on detention, the principle of legality and the proscription of organizations, are under development.[18]

23. The United Nations Children's Fund (UNICEF) is working with Government partners in more than 100 countries to improve justice for children, with a particular focus on legislative reform, capacity-building, advocacy, coordination and partnership, for children in conflict with the law and for child victims and witnesses.

[18] See A/HRC/16/50.

Efforts to develop and raise awareness of national law and procedures are a priority for many offices, and advocacy and technical assistance regarding law reform take international human rights standards into account. With UNICEF support, an estimated 33 countries carried out comprehensive mapping and assessment exercises in 2010-2011.

24. UNICEF has provided support to countries in various regions that have undertaken or are currently undertaking legislative reform to ensure alignment with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, including Brazil, Colombia and Rwanda. Seventy countries have in place legal or policy frameworks for preventing or responding to child abuse in line with international human rights standards, and 77 have laws and secondary legislation on free and universal birth registration. A significant number of countries (including Bangladesh, Cambodia and Jordan) have developed laws on juvenile procedures. UNICEF offices in some 130 countries (including Albania, Costa Rica, Croatia, Madagascar and Turkey) report that Governments are taking steps to implement the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

25. The prevention of violence is part of the UNICEF child protection systems approach, one objective of which is to reduce the estimated number of 1 million children in detention. These efforts include advocating and upholding legislation on the minimum age of criminal responsibility, and proactive measures to prevent children from coming into conflict with the law. The Fund's Belarus and Tunisia country offices, for example, carried out research into the causes of delinquency.

26. The UNICEF child protection strategy is aimed at reducing the number of children in detention. In this regard, outputs in 2011 include the development of an online toolkit on diversion and alternatives to detention. In Lebanon, 207 children in conflict with the law benefited from the implementation of community sentencing as a measure alternative to detention. In Jordan, similar progress was made in protecting children in conflict with the law by providing them with access to restorative justice approaches through a pilot community-based diversion project being undertaken in two communities. A special juvenile police force was established to address cases involving children in conflict with the law. In Thailand, a strengthened juvenile justice system was developed to promote prevention, diversion, restorative justice and reintegration with respect to children in contact with the law, including reintegration support services for juvenile offenders and a restorative justice centre. In Bangladesh, UNICEF supported the launching of a pilot diversion initiative in one district, establishing a mechanism for coordination among the police, the judiciary, probation officers, lawyers and local elected bodies to prevent the unnecessary institutionalization of children and therefore to steer children in conflict with the law away from judicial proceedings.

27. The capacities of law enforcement and the justice sector were improved in a number of countries as a result of UNICEF work. For example, in Honduras, more than 350 staff were trained in the prevention, investigation and protection of the rights of child victims of abuse, sexual exploitation and trafficking. In Uruguay, UNICEF supported the public prosecutor's office in implementing a course on sexual abuse. In addition, more countries are investing in comprehensive support services for children who have experienced sexual violence, including health, legal, protective and counselling services. For example, in Zimbabwe, UNICEF

contributed to a review of the protocol on the multisectoral management of child sexual abuse. In Argentina, intersectoral coordination to address cases of child sexual abuse has improved through the development of integrated protocols for care. In Chile, a clinical guide to the care of child victims of sexual abuse younger than 15 has been developed by the Ministry of Health, together with related training for professionals.

28. In 2012, following consultations with OHCHR, UNODC issued a paper entitled "UNODC and the promotion and protection of human rights". The paper recognizes that human rights issues are particularly important in relation to law enforcement, prosecution, the courts, sentencing and prisons. It also addresses human rights aspects of criminal justice reform, the use of the death penalty, compulsory drug treatment centres and security and judicial responses to terrorism. The paper is aimed at ensuring that a human rights dimension is taken into account and is an integral part of the UNODC approach to technical assistance.

29. UNODC has also recently issued a number of other publications relevant to the administration of justice. These include *Handbook on Improving Access to Legal Aid in Africa*, *Child Friendly Legal Aid in Africa*,[19] *Criminal Justice Reform in Post-Conflict States: A Guide for Practitioners*, *Handbook on Police Accountability, Oversight and Integrity* and *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes*.

30. The United Nations Development Programme (UNDP) promotes effective, responsive, accessible and fair justice systems as a pillar of democratic governance, particularly by focusing on the poor and marginalized, who often do not have the opportunity to seek remedies in the justice system. UNDP works with national partners to develop national strategic plans and programmes for justice reform and service delivery; support justice needs and capacity assessments to analyse demand and supply for services; empower the poor and marginalized to seek responses and remedies for injustice; improve legal protection, legal awareness, legal aid, adjudication and enforcement; promote civil society and parliamentary oversight; respond to immediate justice needs, including the protection of women's rights and access to legal services; address serious challenges in the justice sector, such as police brutality, inhumane prison conditions, lengthy pretrial detention and impunity for perpetrators of sexual and gender-based violence; and strengthen linkages between formal and informal structures.

31. Somalia is an interesting example of UNDP implementation in practice. There, the national authorities, with the support of the Programme, have made significant progress in strengthening the justice system and improving access to justice across the country despite a volatile and inaccessible environment in many areas. Improvements in access to justice have been achieved through a range of measures, including the establishment of legal aid clinics and mobile courts in all regions of the country, the training of nearly 5,000 police officers and support for innovative reforms such as improved case management systems. Legal aid services are now available throughout Somalia, and increasing numbers of the population are utilizing them. Particular progress has also been made in providing women with increased access to justice.

[19] Produced together with UNICEF and the United Nations Development Programme.

32. The Department of Peacekeeping Operations works to strengthen the police, justice systems and corrections institutions as part of its efforts to successfully implement its peacekeeping mandate. The Department aims to address these three institutions simultaneously, deploying police, judicial and corrections officers in its peace missions. In the Democratic Republic of the Congo, Haiti, Liberia and Timor-Leste, for example, the Department has worked with the national authorities to rebuild or construct new police stations, courthouses and prisons and to work with the host Government to help develop the local capacity and human resources needed to ensure that those institutions function in accordance with international human rights standards. The Department also works with national partners and international donors to rehabilitate training centres, universities and the police in order to ensure that they are able to train the required personnel.

33. United Nations Rule of Law Indicators, a joint project of OHCHR and the Department of Peacekeeping Operations, was launched in 2011 in three pilot countries: Haiti, Liberia and South Sudan. Through the project, national authorities are provided with the information and guidance necessary to assess and identify areas in need of reform, including the performance, integrity, transparency and accountability of national criminal justice institutions, and to ensure compliance with international standards regarding fair trial and the treatment of members of vulnerable groups.

34. In 2011, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) issued a report entitled *Progress of the World's Women: In Pursuit of Justice*. The report notes that although there have been major achievements in strengthening the position of women over the past century, many challenges remain in effectively ensuring equality and justice for women. The first of the 10 recommendations made in the report is that support be provided for women's legal organizations, which often step into the gaps left by inadequate legal aid systems. Other recommendations include further legal reform to ensure paid maternity leave, equal pay and equal property rights, support for the development of consolidated services to deal with serious crimes such as rape, increased recruitment of women into police forces, better training for judges to challenge the notion that women's behaviour may contribute to rape, and the use of quotas to increase the number of female legislators. Given how sexual violence is used in conflicts, the report also advocates greater effort to increase women's access to the courts and truth commissions during and after conflicts.

35. In April 2012, UN-Women, in cooperation with OHCHR and the International Centre for Transitional Justice, jointly organized an expert group meeting in Addis Ababa with the Working Group on Enforced or Involuntary Disappearances, in support of a draft general comment on gender and enforced disappearances.

IV. Developments and activities at the national level

36. A note verbale dated 8 May 2012 was sent to States, intergovernmental organizations and non-governmental organizations requesting contributions to the present report. The developments detailed below are based on a summary of the reports provided by States in response.

37. Bosnia and Herzegovina reported on the development of laws and procedures specifically applicable to juvenile offenders; in particular, a number of procedural

rights were highlighted, such as the right to counsel. The best interests of the child were enshrined as a fundamental principle in family and criminal legislation. The minimum age of criminal responsibility had been set at 14. Juveniles between the ages of 14 and 16 were subject only to correctional measures. Juveniles between 16 and 18 years of age could be imprisoned in exceptional circumstances. Alternative measures could be applied to juvenile offenders, such as judicial admonition; intensified supervision; and committal to a disciplinary centre for juveniles, an educational institution, an educational-reformatory home or another type of rehabilitation institution.

38. Bulgaria referred to training programmes aimed at strengthening the capacity of public prosecutors dealing with children in conflict with the law and child victims of crimes. In addition, a specialized department for combating crimes committed by juveniles and crimes against minors had been established in the Supreme Cassation Public Prosecutor's Office in February 2012. Legislation had been adopted to amend the judiciary law, establishing an effective remedy for violations of the right to a fair trial as enshrined in article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Finally, the General Directorate for the Execution of penalties of the Ministry of Justice had, inter alia, provided training for prison personnel and adopted a programme to improve prison conditions.

39. Cuba reported that legal aid as well as religious assistance was available to persons deprived of their liberty and that such persons had the opportunity to make direct complaints to and petition the authorities. Moreover, a variety of measures had been developed to guide and rehabilitate juveniles deprived of their liberty. Juvenile prisoners received special and individualized treatment. They were held in distinct detention centres, separate from adults. In 2001, a community centre had been established in San Francisco de Paula that provided juveniles with opportunities to work, study and participate in sports and cultural activities; active family participation in the learning process was also envisaged. Owing to its success, other such centres had been established.

40. The educational system for adult prisoners had also been expanded, including the opportunity to participate in university education. Voluntary work for prisoners was promoted, which enabled them to receive not only a salary but also a pension. The human rights training of medical personnel, police, prison personnel and other personnel working in the judiciary was considered a priority. Special attention was also paid to children in the administration of justice. The best interests of the child remained a primary consideration in all judicial matters concerning children.

41. Georgia indicated that as part of its overall efforts to reinforce the rule of law and develop a secure community environment, criminal justice reform was an important initiative. Detailed information was provided on the country's juvenile justice reform. In 2009, a comprehensive and wide-ranging juvenile justice strategy and action plan had been developed. It was aimed at reducing the use of custodial pretrial measures and the sentencing of children.

42. A juvenile crime prevention strategy had been adopted in 2011, and a juvenile crime prevention action plan was being formulated. Various projects had also been developed, including a safe-school programme. The criminal procedure code had been amended to allow for discretionary prosecution. This in turn had made it possible to develop a juvenile diversion and mediation programme, which had been launched in 2010. A programme aimed at ensuring that convicted juveniles had

access to adequate education in prison was being implemented. Georgia had carried out a variety of reforms of its probation and penal systems in order to establish planning mechanisms for individual sentencing. A number of training programmes had been conducted for police, prosecutors, judges, prison personnel and officers of the national probation agency. In addition, a legal aid service had been established.

43. Germany referred to new legislation concerning unreasonably long court proceedings or criminal investigations, which had entered into force on 3 December 2011. The Act on remedies against lengthy court procedures provided for appropriate compensation in that regard if those affected showed that they had notified the Court of the undue length of the procedures in question before claiming compensation.

44. Guatemala reported that its Supreme Court had established a strategic five-year plan for 2011-2015 that included the following main programmatic pillars: the strengthening of institutions; the improvement of services and the development of human resources; ensuring an efficient administration; and enhancing the endorsement of and confidence in the judiciary among the population. In order to facilitate access to justice, the judiciary had created a variety of new judicial entities. These included mobile units and judicial bodies addressing femicide and other forms of violence against women, as well as tribunals dealing with drug-related activities or environmental crimes. The office of the public prosecutor had issued regulations on the organization and functioning of the human-rights-related prosecution service. Moreover, a special investigations unit established to deal with cases subject to the special investigation procedure, as envisaged in the Criminal Procedure Code, had been established at the initiative of the Human Rights Representative.

45. With regard to rights over property obtained as a result of illicit or criminal activities, the Congress of the Republic of Guatemala had adopted a law on the seizure of assets that had entered into force in 2011, and a court of first instance was to be established to address the issue. In addition, decree No. 3-2012 of January 2012 supported the country's accession to the Rome Statute of the International Criminal Court.

46. Guatemala referred to a number of achievements related to the strengthening of the National Institute of Forensic Sciences. For example, a system for case management had been implemented. The country reported on the results of the work of the International Commission against Impunity in Guatemala. Information was also provided on the "pact for security, justice and peace", a proposed document in which the executive, legislative and judicial branches, together with civil society sectors, expressed their commitment to the development of a cooperative strategy to improve governance, security and protection with regard to crime, violence and impunity.

47. Iraq reported on various fundamental rights relating to the administration of justice that had been laid down in the Iraqi Constitution of 2005. In general, it was emphasized that all Iraqis were equal before the law, without discrimination. Article 19 of the Iraqi Constitution was of particular relevance, as it guaranteed the independence of the judiciary and provided fundamental fair-trial guarantees, such as the presumption of innocence. Moreover, Iraq indicated that article 7 of the Universal Declaration of Human Rights and article 10 of the International Covenant on Civil and Political Rights were incorporated into national law.

48. Japan referred to a number of reforms to its criminal justice system, including the introduction of a lay juridical system, a victim participation system, a new system under which State-appointed attorneys were available to suspects in custody, new pretrial arrangement proceedings that expanded the range of evidence disclosed by the public prosecutor, and a new system whereby court-appointed lawyers could, under certain conditions, take over the prosecution of cases dropped by the public prosecutor.

49. Japan reported that the human rights of suspects and accused were adequately protected in terrorism cases and that the management of pretrial detention was appropriately ensured. The specific needs of women prisoners and the impact of the imprisonment of parents on their children were taken into account in the determination of sentencing or pretrial detention. In addition, Japan provided training on human rights issues to a range of persons involved in the administration of justice.

50. Special measures were applied to criminal cases involving juveniles. The Juvenile Act provided for, inter alia, relaxed conditions for parole and the prohibition of the publication of the names and ages of juvenile offenders. When correctional treatment was carried out, due consideration was paid to education and vocational training. Juveniles were assigned special personnel who were responsible for continuous guidance such as individual counselling. A juvenile could not be detained except in exceptional circumstances and for no longer than eight weeks. Detention could be replaced by monitoring and protection measures.

51. Malta provided a review of acts of Parliament adopted between 2008 and 2011 that were aimed at strengthening the effectiveness and fairness of trials. In 2008 and 2009, the Code of Organization and Civil Procedure and the Civil Code had been amended to improve the efficiency of proceedings. Amendments to the Criminal Code addressed, inter alia, discrimination, racial hatred and xenophobia. An amendment made in 2009 to the Equality for Men and Women Act clarified concepts relating to discrimination on the basis of sex.

52. In 2010, Malta had ratified the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children. Amendments to the Arbitration Act ensured that the right to recourse against an arbitral award and the right to appeal were enshrined in national law. Modifications to the Mediation Act ensured the effectiveness, impartiality and competence of the mediator and allowed parties to initiate further judicial proceedings or arbitration. Moreover, amendments to the Criminal Code covered the rights to life, humane treatment and protection from forced labour. The law amending the Probation Act provided grounds for refusing the recognition and supervision of community sanctions based on human rights considerations.

53. With regard to 2011, Malta provided information on the law amending the Civil Code and on the Restorative Justice Act. The former highlighted the best interests of any child and the welfare of the parties involved in separation or divorce cases and provided for a right to appeal in such cases; the latter established provisions for the granting of parole to prisoners and set out further restorative justice measures, including the establishment of an offender assessment board and a parole board.

54. Mauritius reported that a children's bill was being developed in order to harmonize and consolidate various pieces of legislation covering the rights of children, including those in conflict with the law, and to implement the Convention on the Rights of the Child. Special measures were in place for the children of incarcerated parents. A mediation division had been established within the Supreme Court, and mandatory mediation had been introduced with respect to all commercial and appropriate civil law cases.

55. Furthermore, a Presidential Commission had been mandated to examine and report on the structure and functioning of the judicial and legal profession. Mauritius indicated that out of the Commission's 220 recommendations, which covered many aspects of the judiciary, more than 75 had been implemented. For example, the procedures of district and intermediate courts had been simplified. Further measures were being taken to implement the Commission's recommendations, such as the Law Practitioners (Amendment) Act, which would enter into force in September 2012 and which had the objective of modernizing the legal profession as well as the judicial and legal system.

56. Moreover, the Juvenile Offenders Act was being reviewed in order to, inter alia, provide for mediation between interested parties. The Bail and Legal Aid Acts had been amended, and by constructing new prisons Mauritius was addressing the problem of prisons overcrowding. Information was also provided on comprehensive efforts to provide sensitization and training on human rights to enforcement officers and members of the judiciary. For example, training on various subjects pertaining to human rights had been incorporated into the curriculum for newly recruited police officers. Opportunities to attend conferences, seminars and workshops on human rights were provided for judges and prosecutors.

57. Mexico reported that the constitutional reform of 2011 had brought about a number of improvements in the field of human rights. For example, international human rights treaties had been recognized as having a higher legal status than federal law and other non-constitutional legal provisions; a list of non-derogable rights had been provided; and the National Human Rights Commission had been mandated to investigate gross violations of human rights. The 2008 reform of the penal law system had been aimed at expediting the judicial process and strengthening due process. Significant measures had included the transition from an inquisitorial to an accusatorial system and the incorporation of certain fair-trial guarantees, including the presumption of innocence. In 2012, Mexico had adopted a general victims' law that recognized and protected the rights of victims of crime and human rights violations. In addition, measures had been taken to establish civil jurisdiction for the adjudication of violations of fundamental rights perpetrated by military personnel and to improve conditions of detention centres. Moreover, a range of programmes had been carried out to improve access to justice at the federal level for indigenous people, taking into account their internal normative system.

58. Mexico also referred to a number of capacity-building measures in the field of human rights. Public prosecutors participated in seminars and workshops on anti-discrimination issues. An agreement on collaboration between the Council of the Federal Judiciary and the National Institute for Indigenous Languages had been concluded with a view to teaching indigenous languages to judicial personnel. Moreover, training on a wide variety of human rights topics was offered, including the certification of skills relating to the application of international and regional

human rights standards. The following judicial and administrative bodies had been established: a directorate general on human rights, gender equality and international affairs; a unit for the implementation of penal reforms, constitutional complaints and human rights; and seven courts specializing in matters related to search, seizure and wiretapping.

59. Paraguay reported that a basic legal advisory service was being established. The service sought to facilitate access to justice, including access to alternative conflict resolution mechanisms, by providing free information and legal advice to citizens; in particular, it sought to provide support for vulnerable groups. Preparatory work had been carried out and primary services had been provided in an area of Asunción with a vulnerable population.

60. Paraguay also reported that since 2008, the Ministry of Justice and Labour had tackled structural and substantive reforms to improve the justice system and institutionalize human rights. In this context, a committee on the treatment of children living with incarcerated mothers had been established and mandated to formulate an action plan for the area of the detention centre housing mothers and their children. These efforts had led to a variety of positive results and measures for both children and their mothers, such as the authorization of nurseries, and to the establishment of a training programme for prison personnel.

61. In addition, Paraguay provided detailed information about a number of measures carried out in 2011, including the organization of and participation in workshops, courses and seminars, as well as the preparation of materials on a broad range of topics related to the administration of justice, such as ethics, transparency and integrity in the governmental sector. Government employees were involved in various capacity-building activities. Paraguay also reported on a request by the Supreme Court for information about measures taken by the Government to implement the judgement handed down by the Inter-American Court of Human Rights in the case *Sawhoyamaxa v. Paraguay*.

62. Qatar reported that criminal trials and the imposition of penalties were not its only methods of upholding justice; in many cases, the law permitted reconciliation as a way to end trial proceedings. Moreover, investments in the judiciary had been made: tribunals benefited from the latest technology, and efforts had been made to ensure the training of judges and other staff working in courts and tribunals. As a general rule, pretrial detention was not used except in cases where there was a risk that the flight or release of a suspect might affect a witness or influence the case, and such use was limited to periods prescribed by law. Judges monitored all criminal proceedings. Qatar also reported on various measures taken in the field of juvenile justice. For example, detention was used only as a measure of last resort. Juvenile offenders younger than 18 were held separately from adults and benefited from educational and cultural programmes aimed at their future reintegration.

63. Romania indicated that under its Criminal Procedure Code, legal aid was mandatory for several categories of defendants and under certain conditions in criminal matters. A public legal aid system had been put in place to ensure adequate access to justice for those experiencing financial hardship. Romania had amended its criminal procedure law concerning certain fair-trial guarantees, including the right to a defence, the use of the official language and the right to an interpreter. With regard to the fight against terrorism, it was stressed that the Criminal Procedure Code ensured full respect for human rights and fair-trial guarantees.

Moreover, a number of measures alternative to imprisonment had been adopted to address the problem of prison overcrowding. In that context, parole services had also been improved.

64. Romania referred to special conditions established for women deprived of their liberty, in particular pregnant women and women caring for young children. The children of incarcerated persons were entitled to alternative protection measures. In general, when children were involved, their best interests had to be the primary concern. Juvenile offenders enjoyed special rights and were subject to a special preventive detention regime. When such detention was ordered, the juvenile's age had to be taken into account so as not to jeopardize his or her physical, mental or moral development. In general, juveniles were deprived of their liberty only as a measure of last resort. Special programmes had been developed to ensure the reintegration of juvenile offenders into society or, in the case of non-custodial measures, to prevent them from reoffending and dropping out of society. Furthermore, a variety of measures had been taken to train magistrates in all fields of justice, including human rights. For example, courses had been provided on combating racism and discrimination.

65. Samoa reported that certain institutions had been established or were in the process of being established to expand the range of legal services available to the public. These included the Law Reform Commission, the Community Law Centre, the Human Rights Commission, the Office of the Public Defender and the Disabled People's Rights Unit.

66. Slovakia provided information about its legal aid service for persons in material need. In 2012, the income cap set for those receiving free legal aid had been raised. Slovakia was in the process of subjecting the justice sector to public scrutiny by, inter alia, providing databases on criminal and civil proceedings and maintaining public registers of experts and interpreters, as well as mediation centres.

67. The minimum age of criminal responsibility was 14, and special provisions applied to juveniles between the ages of 14 and 18. In particular, juveniles had to be held separately from adults and received special treatment during confinement. Juveniles could not be sentenced to life imprisonment, with the maximum length of a juvenile's prison term being seven years except in the case of very serious offences. Moreover, special provisions on detention and imprisonment applied to pregnant women or women with newborn children. In general, women must be detained separately from men. Training programmes on human rights in the administration of justice had been conducted for judges and prosecutors, as well as judicial clerks.

68. Ukraine reported on progress in its judicial reform, which had been launched with legislation on the judiciary and the status of judges, adopted on 7 July 2010. The law established a unified system of courts of appeal and a Supreme Specialized Court for Civil and Criminal Cases. As part of the reform process, the military courts had been eliminated because they had failed to meet European and international human rights standards, and a new mechanism for the selection of judges had been launched. The law also shortened the time frame and simplified the procedure for the consideration of appeals.

69. Ukraine reported on decree No. 597 of May 2011, on the concept of the development of criminal justice with regard to juvenile offenders. On 12 October 2011, the Government had adopted a plan of implementation for the decree, which provided for the introduction of changes into criminal procedure legislation and training on juvenile justice for judges, prosecutors, attorneys, police officers and services dealing with children. A new Criminal Procedure Code had been adopted in April 2012 and would enter into force on 19 November. The Code established that detention was an exceptional measure and limited its total duration to six months. In the case of offences committed by juveniles, parents or legal guardians were notified immediately. Cases were handled by a special investigator trained in dealing with young offenders.

V. Conclusions

70. **The developments, challenges and good practices set out in the present report indicate the critical role played by human rights standards and norms in ensuring a fair and transparent system of the administration of justice at the national level. The United Nations and its Member States continued to invest efforts in both the development and the improvement of applicable rules and standards. International human rights treaty bodies and special procedures of the Human Rights Council play an important role in the effective oversight of the implementation of these standards.**

71. **The variety of developments and good practices at the national level illustrates the manifold efforts of States to ensure the implementation of human rights in the administration of justice according to international human rights norms and standards. In many States, particular emphasis is thereby placed on the strengthening of juvenile justice systems. The responses also highlighted the importance of capacity-building and training on human rights issues as an indispensable requirement for the effective administration of justice.**

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Human rights in the administration of justice

Report of the Secretary-General

Addendum**

Summary

The present document is an addendum to a report submitted pursuant to a request made by the General Assembly to the Secretary-General in resolution 65/213, on human rights in the administration of justice. This addendum contains information, requested in a note verbale dated 8 May 2012 and sent to Member States, which was received after the deadline for the submission of information and not included in the main report. The addendum summarizes information received from Burkina Faso, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). In addition, although Japan submitted information that was included in the main report, it also provided supplementary information after the deadline. A summary of this supplementary information is included in the addendum.

* A/67/150.

** The information contained in the present report was received after the deadline for the submission of information for the main report.

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IV. Developments and activities at the national level

1. Burkina Faso reported that courts of first instance were present throughout its territory to ensure access to justice for the people, and that the right of appeal was guaranteed by law. Persons could also access dispute resolution processes provided by customary and religious chiefs, and could seek mediation. These procedures were independent of each other, and one could always access the formal courts.

2. Centres for social reinsertion had been established for juvenile offenders who were imprisoned. It was anticipated that a new law would be voted upon in the future to establish a more comprehensive legal framework for the protection of the rights of children. It was also envisaged to increase the number of judges dealing with juvenile justice.

3. Burkina Faso indicated that a number of conferences were organized each year on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, for security and defence force trainees. Procedures established by law existed to bring the condition of persons in detention to the attention of the General Prosecutor and the President of the Accusation Chamber. By law, the latter could also visit places of detention each time he or she deemed it necessary, and must visit them at least once a year. In addition, the Minister of Human Rights made visits to places of detention each year to ensure that applicable regulations were respected and that the treatment of detainees complied with applicable norms. In June 2012, the Government had adopted a decree creating a service for the protection of victims within the Ministry of Justice.

4. In terms of challenges, the death penalty could still be pronounced against juvenile offenders, although, as a practical matter, a death sentence had never been pronounced against a juvenile. In the case of adults, the death penalty could still be applied by the courts, although such sentences were no longer carried out, because in 2007 Burkina Faso had voted in favour of General Assembly resolution 62/149, concerning a moratorium on the application of the death penalty.

5. Japan provided information supplementary to its original submission, and reported that training in human rights, including trafficking in persons, had been incorporated into the training programme for officers in charge of immigration control. In the context of training related to trafficking in persons, special emphasis was placed on the protection of victims.

6. The Russian Federation reported that with regard to the implementation of paragraphs 3, 10 and 13 of General Assembly resolution 65/213, it was important to note the position of the plenary session of the Supreme Court of the Russian Federation and its decisions, in particular where the Court had repeatedly drawn the attention of judges to the need for the implementation of recognized principles and norms of international law relating to the administration of justice.

7. In paragraph 2 of the decision of the Supreme Court of 1 February 2011, the Court stated that in criminal cases relating to juvenile offenders, courts, in addition to compliance with the criminal law and criminal procedure law of the Russian Federation, should take into account provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the

Administration of Juvenile Justice (Beijing Rules), the Milan Plan of Action adopted by the Seventh Congress on the Prevention of Crime and the Treatment of Offenders, the United Nations Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and other official documents, including the recommendation of the Committee of Ministers of the Council of Europe on new ways of dealing with juvenile delinquency and the role of juvenile justice. If international agreements with the Russian Federation stipulated rules other than those enshrined in the laws of the Russian Federation, then courts should, in line with the requirements set out in part 3 of article 1 of the Russian Criminal Procedure Code, apply the rules set out in the international agreements.

8. The United Kingdom of Great Britain and Northern Ireland provided information on the Legal Aid, Sentencing and Punishment of Offenders (LAPSO) Act 2012, which introduced a wide range of reforms in the justice and legal aid systems in England and Wales. For example, the Act contained provisions restricting the availability of remands in custody cases. The Governments of Scotland and Northern Ireland had also taken significant steps with a view to strengthening their legal aid systems to ensure fair and effective access to justice. The Government of Northern Ireland was working on legislative and procedural reforms to speed up criminal cases. Initiatives advanced or considered included statutory time limits for youth cases. In addition, the Government of Scotland was carrying out comprehensive reforms of its justice system.

9. Moreover, the United Kingdom referred to changes regarding counter-terrorism and security powers, including the abolition of wide-ranging stop and search powers; reducing to 14 days the period of time people could be held before being charged with terrorism-related offences; and replacing control orders with more targeted terrorist prevention and investigation measures. In respect of the treatment of women offenders, the United Kingdom reported that international standards were met to a great extent and that women's community services were supported. Furthermore, the importance of supporting the children of offenders was recognized.

10. The United Kingdom indicated that a juvenile justice system was in place in England and Wales. The LAPSO Act 2012 would ensure that pretrial detention was used only as a last resort and that all those younger than 18 were treated as children in respect of remands on bail to local authority accommodation or (securely) to youth detention accommodation. In Northern Ireland, the youth justice system had been comprehensively reviewed by a team of experts. Recommendations included increasing the minimum age of criminal responsibility from 10 to 12 and, subsequently, to 14. An implementation plan would be published in September 2012. Reforms were also ongoing in Scotland. Furthermore, tailored interdisciplinary training on human rights in the administration of justice was provided for the judiciary.

11. The Bolivarian Republic of Venezuela reported that its Supreme Court had initiated a programme of mobile courts in order to carry out visits to various communities in the country. The judiciary had undertaken restructuring, evaluation and capacity-building measures. For example, the Office of the Public Prosecutor had established departments specializing in gender-based violence and the

protection of the human rights of persons deprived of their liberty, as well as local departments responsible for strengthening contact and communication with communities. In order to improve the administration of justice in the Bolivarian Republic of Venezuela and to ensure appropriate training for judges, a national school for judges had been established. Moreover, the Ombudsman and the legal aid service played an important role in ensuring the protection of human rights in the country.